

Pro Se General Complaint for a Civil Case (Rev. 10/16)

United States District Court
for the
NORTHERN DISTRICT OF ALABAMA

2019 MAR 15 A 10:07

U.S. DISTRICT COURT
N.D. OF ALABAMAPlaintiff

(Write your full name. No more than one plaintiff may be named in a pro se complaint)

Buford L. Burks

v.

Publisher's Clearinghouse

G.E. Schmidt Inc.

Huntington Service Company

Harland Clarke

Case No.

2:19-CV-450-MHH

(to be filled in by the Clerk's Office)

JURY TRIAL ☒ Yes ☐ NoDefendant(s)

(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above or on page 2, please write "see attached" in the space and attach an additional page with the full list of names)

COMPLAINT FOR A CIVIL CASE**I. The Parties to This Complaint****A. The Plaintiff**

Name

Buford Lee Burks

Street Address

322 8th Terrace West

City and County

Birmingham ~~Jefferson~~ Jefferson

State and Zip Code

Alabama 35201

Telephone Number

205-413-1870

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. If you are suing an individual in his/her official capacity, include the person's job or title. Attach additional pages if needed.

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Defendant No. 1

Name

G.E. Schmidt, Inc.

Job or Title

Issuer of Check

Street Address

4475 Premier Dr.

City and County

High Point Guilford

State and Zip Code

North Carolina, 27265

Defendant No. 2

Name

Huntington Service Company

Job or Title

Huntington Service Company (Published)

Street Address

4475 Premier Dr.

City and County

High Point Guilford

State and Zip Code

North Carolina, 27265

Defendant No. 3

Name

Publisher's Clearinghouse

Job or Title

Publisher

Street Address

101 Winners Circle

City and County

Jericho Nassau

State and Zip Code

New York 11753

Defendant No. 4

Name

Job or Title

Street Address

City and County

State and Zip Code

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Defendant No. 5

Name _____

Job or Title _____

Street Address _____

City and County _____

State and Zip Code _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only these types of cases can be heard in federal court: a dispute that involves a right in the United States Constitution or a federal law (as opposed to a state law or local ordinance); a dispute that involves the United States of America (or any of its agencies, officers or employees in their official capacities) as a party; and a dispute between citizens of different states with an amount in controversy that is more than \$75,000.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Constitutional or Federal Question ☐ USA Defendant ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction is USA defendant

The Defendant(s) _____

Name of Agency _____

Address _____

B.

If the Basis for Jurisdiction is a Constitutional or Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

See attachment

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C. If the Basis for Jurisdiction is Diversity of Citizenship

1. The Plaintiff

The plaintiff, (name) _____, is a citizen of the
State of (name) _____.

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the
State of (name) _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) See attachment, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation)
_____, and has its principal place of
business in (name) _____.

*(If more than one defendant is named in the complaint, attach an additional
page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy – the amount the plaintiff claims the defendant
owes or the amount that is at state – is more than \$75,000, not counting
interest and costs of court, because: *(explain)*

A fraudulent check was issued in the mail
6,778 which is mail fraud.

III. Statement of Claim

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Write a short and plain statement of the claim. Briefly state the facts showing that the plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attachment

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks for the court to order. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive (punishment) or exemplary (warning or deterrent) damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I seek one million dollars or the maximum amount that can be granted by the court for the mental stress this mail fraud caused me.

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V. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint; (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in dismissal of my case.

First Name Buford Last Name Burks
 Mailing Address 322 8th Terrace West
 City and State Birmingham, Alabama Zip Code 35207
 Telephone Number 205-413-1890
 E-mail Address bufordburks@yahoo.com

Signature of plaintiff Buford L. Burks
 Date signed March 15, 2015

****OPTIONAL****

You may request to receive electronic notifications. You may not file documents or communicate with the court electronically. All documents must be submitted in paper and you must serve the defendants.

Type of personal computer and related software/equipment required:

- Personal computer running a standard platform such as Windows or Mac OSX
- Internet access (high speed is recommended)
- A Web browser (Microsoft Internet Explorer 7.0 or 6.0 or Mozilla Firefox 2 or 1.5)
- Adobe Acrobat Reader is needed for viewing e-filed documents
- PACER account – Information and registration at www.pacer.gov

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- You will receive one “free” look of the document. Documents must be viewed within 14 days. You must only single-click on the hyperlink to view.

Note: You must promptly notice the Clerk’s Office, in writing, if there is a change in your designated e-mail address. Failure to update your email address does not excuse failures to appear or timely respond.

E-mail type:

- ☒ HTML – Recommended for most e-mail clients
☐ Plain Text – Recommended for e-mail accounts unable to process HTML e-mail

Conditioned upon the sufficiency of your electronic equipment which the court will test and verify receipt, you will be allowed to receive electronic notifications.

By submitting this request, the undersigned consents to electronic service and waives the right to personal service and service by first class mail pursuant to Rule 5(b)(2) of the Federal Rules of Civil Procedure, except with regard to service of a summons and complaint.

When a filing is entered on the case docket, a party who is registered for electronic noticing will receive a Notice of Electronic Filing in his/her designated e-mail account. The Notice will allow one free look at the document, and any attached .pdf may be printed or saved.

IMPORTANT:

Messages sent to Yahoo or AOL accounts are frequently found in the spam folder until the court is added to your address book.

E-mail address designated for noticing:

Burfordburks@yahoo.com

Participant signature: Burford L. Burks

Date: March 15, 2019

Buford lee Burks v. Publisher's Clearinghouse and Harland Corporation

United States Federal District Court of Northern Alabama

Facts

I received a letter stating I won third place in Publisher's Clearinghouse Prize ; a check of 6 , 748 dollars was enclosed . I called as instructed to case manager , and the recording said the mail box was full proceed . The letter was dated March , 2 , 2019 . I deposited 4,000 into my Regions' Bank savings' account and 2,748 I my Region's bank checking account at the Fairfield , Alabama Branch . I was told there was a "hold," and 200 dollars was available . Knowing I had a direct deposit of 189 coming from Kelly Education Services on March 15 , 2019 , I debited 51 at Piggly Wiggly which was honored . There were no other transactions . March 14 , 2019 , I received a letter from Regions' Bank saying the check was not honored , then they placed my checking account at a negative 4,000 . I went to main branch downtown , and I was told they would reverse this and place me t a positive balance when my Kelly Education check posted March 15, 2019 , but they subtracted the deposit from the negative 4,000 which they said they returned .

Mail fraud was committed by federal law , because when a person engages in some kind of scheme or plan to defraud someone else of something of value with the intent to defraud it constitutes mail fraud . Courts have held that mail fraud schemes must involve a scheme to fraud someone –to get something for nothing. Federal law states material misrepresentation is a statement that causes victims to do something they probably wouldn't have done if the statement had never been made . mail fraud occurs whenever a person attempts to defraud someone else by using the mail , meaning you don't actually have to succeed in defrauding someone else to be found guilty . The letter came from North Carolina to Alabama which makes it an interstate offense ; the Constitution states this is under jurisdiction of *Commerce Clause of the Constitution* that grants the federal government jurisdiction over interstate matters . "There are two elements in mail fraud : (1) having devised or intending to devise a scheme to defraud (or to perform specified fraudulent acts) , and (2) use of a scheme to defraud for the purpose of executing , or attempting to execute , the scheme (or specified fraudulent acts) ." *Schumuck v. United States* , 489 U. S. 705 , 721 n. 10 (1989) ; *Pereira v. United States* , 347 U. S. 1.8 (1954) , and *Laura A. Eilers & Harvey B. Silikovitz , Mail and Wire Fraud* , 3 1 Am. Cri. L . Rev. 703 , 704(1994).

G. E. Schmidt Inc. issued the check which was drawn for Huntington Service Company . Harland Clarke 4875 Premier Dr. High Point , N. C. 27265

4475

Publisher's Clearinghouse
101 Winners Circle
Jericho, NY 11753